

COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and sole inventor of the subject matter (an original, first and joint inventor) which is claimed and for which a utility patent is sought on the invention entitled:

INHIBITION OF PATHOGENS BY PROBIOTIC BACTERIA

the specification of which:

- ☐ was filed on _____, as United States non-provisional application U.S.S.N. , bearing Attorney Docket No.
- ☒ is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

- ☐ I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application designating at least one country other than the United States listed below and have also identified below any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

[illegible]



I hereby claim the benefit under Title 35, United States Code, § 119(e) or §120 of any United States application(s), or §365(c) of any PCT International application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

| Application No. <i>(U.S.S.N.)</i> | Filing Date <i>(dd/mm/yy)</i> | Status <i>(Patented, Pending, Abandoned, Expired)</i> |
|---|---|---|
| 60/163,959 | 08 November 1999 | Pending |
| 60/198,404 | 19 April 2000 | Pending |
| | | |

PCT International Applications designating the United States:

| PCT International Application No. | Filing Date | Status |
|--|--------------------|---------------|
| | | |

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

| Attorney or Agent | Registration No. | Attorney or Agent | Registration No. |
|--------------------------|-------------------------|--------------------------|-------------------------|
| Kevin Ainsworth | 39,586 | Kristin E. Konzak | 44,848 |
| Ingrid Beattie | 42,306 | Cynthia Kozakiewicz | 42,764 |
| David B. Bernstein | 32,112 | Barry Marenberg | 40,715 |
| Naomi Biswas | 38,384 | William Marino | 44,219 |
| David F. Crosby | 36,400 | Leslie Meyer-Leon | 37,381 |
| James G. Cullem | 43,569 | A. Jason Mirabito | 28,161 |
| Brett N. Dorny | 35,860 | Michel Morency | Limited Recognition |
| Marianne Downing | 42,870 | Bradley Olson | 40,750 |
| Ivor R. Elrifi | 39,529 | Carol H. Peters | 45,010 |
| Heidi A. Erlacher | 45,409 | John T. Prince | 43,091 |
| Christina Gadiano | 37,628 | Michael Renaud | 44,299 |
| John A. Harre | 37,345 | Brian Rosenbloom | 41,276 |
| Shane Hunter | 41,858 | Thomas M. Sullivan | 39,392 |
| David E. Johnson | 41,874 | Howard Susser | 33,556 |
| Kris Kalidindi | 41,461 | Shelby J. Walker | 45,192 |
| Christina Karnakis | 45,899 | Martin M. Zoltick | 35,745 |
| Robert Klauzinski | 42,742 | | |

all of MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO PC, One Financial Center, Boston, Massachusetts 02111, as Applicant's attorneys with full power of substitution and revocation to take any and all action necessary with regard to the above-identified patent.

Address all telephone calls to **Ivor R. Elrifi** at telephone number 617/348-1747.

Address all correspondence to:

Ivor R. Elrifi

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

One Financial Center

Boston, Massachusetts 02111

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or patent issued thereon.

Inventor's Signature

Date

Full Name of Inventor: Sean Farmer

Citizenship: U.S.A.

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TRADOCS:1397266.1(TY4Y01!.DOC)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Sean Farmer
ASSIGNEE: Not Yet Assigned
SERIAL NUMBER: Not Yet Assigned EXAMINER: Not Yet Assigned
FILING DATE: November 8, 2000 ART UNIT: Not Yet Assigned
FOR: INHIBITION OF PATHOGENS BY PROBIOTIC BACTERIA

**STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c) – SMALL BUSINESS CONCERN)**

I hereby state that I am an official of the small business concern empowered to act on behalf of the concern identified below:

**GANADEN BIOTECH, INC.
5940 Pacific Mesa Court, #209
San Diego, CA 92121**

I hereby state that the above identified small business concern qualifies as a small business concern, as defined in 13 C.F.R. § 121, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to, and remain with, the small business concern identified above with regard to the invention described in:

- ☒ the specification filed herewith with title as listed above;
☐ the application identified above; or
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c), if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

APPLICANTS:
U.S.S.N.:

Sean F
To Be Assigned

Each person, concern, or organization having any rights in the invention is listed below:



no such person, concern, or organization exists.



each such person, concern, or organization is listed below: ♦

♦ *Note: Separate Statements Claiming Small Entity Status are required from each named person, concern, or organization having rights to the invention. 37 C.F.R. § 1.27.*

Full Name:

Address:

☐ Individual ☐ Small Business Concern ☐ Non-profit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. 37 C.F.R. § 1.28(b).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of person signing: Andrew R. Lefkowitz, Esq.

Title in organization of person signing: General Counsel and V.P. of Corporate Development

Address of person signing: Ganaden Biotech, Inc.
5940 Pacific Mesa Court, #209
San Diego, CA 92121

Signature: _____

Date: _____

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